

GOVERNOR'S  
REASONS  
FOR VETO:

The Governor said repeal of the act "could pose a substantial risk to the safety of our citizens who travel by air." "Although this program has not been funded," he said, "I believe it far better to continue the authority of the Commission in this safety-related area with the goal of future funding, rather than to repeal the law in its entirety."

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VIEW:

Rep. Pierce said the Obstruction to Air Navigation Act was a "well-intentioned law," written to regulate tall structures around airports, for which no money has ever been appropriated. "The Governor's own budget recommended substantially less than half the minimum amount necessary to enforce the statute," he said. Even if the law were funded, Pierce said, the Texas Aeronautics Commission estimates that 93 percent of the structures intended for regulation (primarily telecommunications towers) are exempt. And, although it receives no money to enforce the act, TAC receives and must administer applications for exemption. "With over nine-tenths of structures intended for regulation exempt, and with the responsible agency prevented from enforcing the measure, I don't think this veto is doing the flying public any favors," Pierce said.

Habeas corpus release based on new evidence  
(HB 1323 by Danburg)

DIGEST:

This bill would have given the Court of Criminal Appeals the authority to release a defendant upon a finding by the convicting court that newly discovered evidence existed. The convicting court would have to have found that the defendant did not know and could not reasonably have known about the evidence during the trial, and that the evidence was admissible and material enough to alter the outcome of the trial.

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The Governor said the bill would have jeopardized the finality of state criminal convictions. "Executive clemency is available for any defendant who was wrongly convicted," he said.

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VIEW:

Rep. Danburg said that since the bill was permissive, it would not have undermined the finality of state criminal convictions. Rather, she said, it would have

given the court a way to correct an obvious injustice. "Neither the state nor justice is well served by the incarceration of the innocent," Rep. Danburg said. She said the bill would not have challenged the Governor's ability to grant executive clemency.

Amendments to political-fund reports  
(HB 1389 by Wolens)

DIGEST: HB 1389 would have allowed candidates, officeholders, and campaign treasurers to make certain changes in sworn statements of political contributions and expenditures after the filing deadline without incurring penalties. The current penalties for a late filing include possible prosecution for a class C misdemeanor (maximum fine of \$200), civil liability to opposing candidates for double the amount of the unreported contribution or expenditure, civil liability to the state for three times the amount of the unreported contribution or expenditure, and civil liability to the state for \$100 for a late report. The bill would have waived those penalties for amendments to timely filed statements if the purpose of the amendment was to add an inadvertent omission or correct an inadvertent mistake, if the Secretary of State determined the mistake was not a significant failure to comply with the law, and if the amendment was filed within 30 days of any notice of noncompliance by the Secretary of State.

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The Governor said Texas should maintain the tough standards, firm timetables, and strong penalties that have made its campaign finance and reporting laws some of the strongest in the nation. Under the changes proposed in HB 1389, he said, anyone who did not accurately report a contribution until after the election could claim inadvertence and thus deprive the people of their right to know, prior to the election, the source and amount of funds obtained by candidates.

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VIEW:

Rep. Wolens said that the bill was only meant to provide an incentive to correct inconsequential errors made through inadvertence. Since current law requires strict liability for all mistakes, no matter how small, there is a disincentive to make minor corrections, he said. Contrary to the Governor's interpretation, he argued that changes of any significance would not have